

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUN 28 2017

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM DUTA LAMBERT, JR.,

Defendant.

CR 93-43-BLG-SPW-02

**FINDINGS AND
RECOMMENDATIONS TO
REVOKE DEFENDANT'S
SUPERVISED RELEASE**

I. Synopsis

The United States accused Mr. Lambert of violating the conditions of his supervised release by (1) failing to report for substance abuse testing, (2) submitting a urine sample that tested positive for methamphetamine, (3) consuming alcohol, and (4) committing another crime. Mr. Lambert admitted to allegations 2, 3, and 4. His supervised release should be revoked, and he should be sentenced to custody until June 29, 2017, at 8:00 a.m., with six months of supervised release to follow to include substance abuse treatment at Crystal Creek.

II. Status

Mr. Lambert pleaded guilty to the crime of First Degree Murder in 1993. He was sentenced to 240 months of incarceration, followed by sixty months of

supervised release. (Doc. 52.) His first term of supervised release began on November 1, 2011. (Doc. 22.)

On January 5, 2012, Mr. Lambert's supervised release was revoked because he violated its conditions by committing a new crime. He was sentenced to 24 months of custody, with 35 months of supervised release. (Doc. 10.) His second term of supervision began on September 27, 2013. (Doc. 52.)

On March 26, 2014, the United States Probation Office filed a Report on Offender under Supervision, notifying the Court that Mr. Lambert had used alcohol and methamphetamine. (Doc. 22.)

On June 12, 2014, Mr. Lambert's supervised release was revoked because he used methamphetamine and alcohol. He was sentenced to three months of custody and 33 months of supervised release. (Doc. 31.) Mr. Lambert's third term of supervised release began on August 26, 2014. (Doc. 33.)

On December 18, 2014, Mr. Lambert's supervised release was revoked because he violated its terms by consuming methamphetamine, failing to provide a urine sample, and testing positive for methamphetamine. Mr. Lambert was sentenced to nine months of custody and 24 months of supervised release. (Doc. 42.) Mr. Lambert began his next term of supervision on August 31, 2015. (Doc. 52.)

On November 5, 2015, the United States Probation Office filed a Report of Offender under Supervision to inform the Court that Mr. Lambert had again consumed methamphetamine. (Doc. 51.)

On January 5, 2016, Mr. Lambert's supervised release was revoked because he admitted to using methamphetamine. (Doc. 61.) He was sentenced to 366 days in custody, with twelve months of supervised release to follow. (*Id.*) He began his current term of supervised release on November 21, 2016.

Petition

On March 16, 2017, the United States Probation Office filed a petition asking the Court to revoke Mr. Lambert's supervised release. In the petition, the Probation Office accused Mr. Lambert of violating the conditions of his supervised release by (1) failing to report for substance abuse testing, (2) submitting a urine sample that tested positive for methamphetamine, (3) consuming alcohol, and (4) committing another crime. (Doc. 64.) Based on the petition, United States District Judge Susan Watters issued a warrant for Mr. Lambert's arrest. (Doc. 65.)

Initial appearance

Mr. Lambert appeared before the undersigned on March 28, 2017, in Great Falls, Montana. Federal Defender Evangelo Arvanetes accompanied him at the

initial appearance. Assistant United States Attorney Jeffery Starnes represented the United States.

Mr. Lambert said he had read the petition and understood the allegations. Mr. Lambert waived the preliminary hearing, and the parties consented to the jurisdiction of a magistrate judge for the revocation hearing. The Court continued his revocation hearing so the Probation Office could explore treatment options for Mr. Lambert.

Revocation hearing

On June 27, 2017, Mr. Lambert appeared at the revocation hearing with Mr. Arvanetes. Assistant United States Attorney Jared Cobell appeared on behalf of the United States.

Mr. Lambert admitted to allegations 2, 3, and 4 but denied allegation 1. The United States did not adjudicate allegation 1. The admitted violations are serious and warrant revocation of Mr. Lambert's supervised release.

Mr. Lambert's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class A felony. He could be incarcerated for up to 60 months. He could be ordered to remain on supervised release for up to twelve months, less any custodial time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The parties agreed that Mr. Lambert be sentenced to custody until June 29, 2017, at 8:00 a.m., with six months of supervised release to follow to include substance abuse treatment at Crystal Creek. The parties waived their right to appeal this sentence.

III. Conclusion

Mr. Lambert's supervised release should be revoked because he admitted violating its conditions. Mr. Lambert should be sentenced to custody until June 29, 2017, at 8:00 a.m., with six months of supervised release to follow to include substance abuse treatment at Crystal Creek.

The undersigned **FINDS:**

William Duta Lambert, Jr., violated the conditions of his supervised release by submitting a urine sample that tested positive for methamphetamine, consuming alcohol, and committing another crime.

The undersigned **RECOMMENDS:**

The District Court should enter the attached Judgment, revoking Mr. Lambert's supervised release and committing Mr. Lambert to the custody of the United States Bureau of Prisons until June 29, 2017, at 8:00 a.m., with six months of supervised release to follow to include substance abuse treatment at Crystal Creek.

Dated the 28th day of June 2017.



John Johnston
United States Magistrate Judge